

Notice of Allowability	Application No.	Applicant(s)	
	09/184,043	HORNAUER ET AL.	
	Examiner	Art Unit	
	Shafiqul Haq	1641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendments and arguments filed 1/23/07.
2. ☒ The allowed claim(s) is/are 14,61-63 and 67-77, now renumbered as 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/6/07</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

Examiner's amendment

1. Authorization for this examiner's amendment was given in a telephone interview with Monica Chin Kitts on March 08, 2007.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In Claims

3. Claim 14 has been amended as follows:

In claim 14, line 1, replace the word "Method", with the words --A method--.

In claim 14, line 6, after the words "in a test area", insert the words --on the solid phase--.
4. Claim 61 has been amended as follows:

In claim 61, line 1, replace the word "Method", with the words --The method--.
5. Claim 62 has been amended as follows:

Replace claim 62 with: --The method of claim 14 further comprises the step of blocking the solid phase with an analyte-unspecific or inert biomolecules during or after immobilization of said preformed conjugate to said solid phase to reduce unspecific binding.--
6. Claim 63 has been amended as follows:

In claim 63, line 1, replace the word "Method", with the words --The method--.
7. Claim 68 has been amended as follows:

Art Unit: 1641

In claim 68, line 2, replace the words "analyte specific reactant", with the words --preformed conjugate--.

In claim 68, line 3, before the words "incubated with an alkylene oxide modified", insert --further--.

In claim 68, line 3, after the words "incubated with an alkylene oxide modified", insert the words --analyte-unspecific--.

8. Claim 73 has been amended as follows:

In claim 73, replace the words "an alkylene oxide modified analyte specific reactant is used in combination with and an alkylene oxide", with the words --the preformed conjugate is immobilized in the presence of an alkylene oxide modified analyte-unspecific--.

In Specification

9. Specification (filed 11/2/1998) has been amended as follows:

In specification, page 1, after the title, insert the following:

RELATED APPLICATIONS

This application claims foreign priority to GERMANY Application 19748489.1 filed November 03, 1997.

Conclusion


10. Claims 14, 61-63 and 67-77, now renumbered as 1-15 are allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shafiqul Haq whose telephone number is 571-272-6103. The examiner can normally be reached on 7:30AM-4:00PM.

Art Unit: 1641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAFIQUL HAQ
EXAMINER
ART UNIT 1641



LONG V. LE 02/16/07
SUPERVISORY PATENT EXAMINER
ART UNIT 1641